

Minutes

Ordinary Council Meeting

Monday, 25th March 2024

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**City of Kingston
Ordinary Council Meeting**

Minutes

25 March 2024

The meeting commenced at 7.05pm in the Council Chamber, 1230 Nepean Highway, Cheltenham.

Present: Cr Jenna Davey-Burns (Mayor)
Cr Tracey Davies (Deputy Mayor)
Cr Tamsin Bearsley
Cr Tim Cochrane
Cr David Eden
Cr Chris Hill
Cr Cameron Howe
Cr George Hua
Cr Georgina Oxley
Cr Hadi Saab
Cr Steve Staikos

In Attendance: Peter Bean, Chief Executive Officer
Jonathan Guttman, General Manager Planning and Place
Dan Hogan, General Manager Customer and Corporate Support
Samantha Krull, General Manager Infrastructure and Open Space
Sally Jones, General Manager Community Strengthening
Bernard Rohan, Chief Financial Officer
Kelly Shacklock, Manager Governance, Risk and Integrity
Patrick O’Gorman, Team Leader Council Governance
Sharon Banks, Governance Officer
Gabrielle Pattenden, Governance Officer

1. Apologies

There were no apologies submitted to the meeting.

2. Confirmation of Minutes of Previous Meetings

Moved: Cr Saab

Seconded: Cr Hill

That the Minutes of the Ordinary Council Meeting held on 26 February 2024 be confirmed.

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

CARRIED

3. Foreshadowed Declaration by Councillors, Officers or Contractors of any Conflict of Interest

There were no Conflicts of Interest submitted to the meeting.

4. Petitions

Nil

5. Delegates' Reports

Cr Saab reported on his attendance at meetings of the following:

- Municipal Association of Victoria Southern District
- Mayoral Taskforce
- Bayside Refugee Advocacy Support Association

Moved: Cr Bearsley

Seconded: Cr Cochrane

That the delegates' reports be received.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

Councillor Statements

Cr Saab spoke about his attendance following recent events:

- Kingswood Primary School
- Woman of the Year Awards
- Sound of Music Production by Theatrical

Presentation of Awards

Nil

6. Question Time

Question time was held at 7.15pm.

Alex Breskin asked,

"Is it Council's view that clause 144.7 of the Community Local Law 2015 is consistent with the Charter of Human Rights and Responsibilities Act 2016 and the local law requirements under the Local Government Act 2020?"

The General Manager Planning and Place provided the following response,

"Council periodically reviews the Council's Local Laws and seeks advice from legal professionals to determine if the drafting remains consistent with relevant legislation. The Council will ensure that the matter Mr. Breskin has raised is further considered upon the next review of the Community Local Law."

Alex Breskin asked,

"Has Council considered introducing a neighbourhood battery scheme such as City of Melbourne's Power Melbourne project to further the city's Climate and Ecological Emergency Response Plan?"

The General Manager Planning and Place provided the following response,
“The Council’s Climate and Ecological Emergency Response Plan has a priority action the opportunity to explore ‘Facilitate onsite power generation and sharing via rooftop solar and batteries’. With a group of 21 other councils and the Yarra Energy Foundation we have submitted an application for neighbourhood battery funding from the State Government. If the application is successful, work to support a neighbourhood battery would commence later this year.”

Note: In accordance with Sub-Rule 39.8 of the Governance Rules, questions from Mark and Wandzia have been grouped together.

Marc and Wandzia asked,

“Does the Access and Equity Advisory Committee and/or its satellite LGBTQIA+ committees or membership, have access to printing, mailing facilities, media and communication facilities at Council, or to any Kingston resident private data such as names, addresses and any answers to form questions and details stored at Council or with 3rd parties, which are harvested eg requested by Council when residents applied to join “Kingston Represent” or when residents create feedback or submissions to Kingston Council online through eg the Bang the Table (BTT) portal or any other tech companies currently being used by Kingston Council to manage community submissions and feedback? Are these facilities made available to these LGBTQIA+ committees at Council’s cost?”

The General Manager Community Strengthening provided the following response,

“No, the Access and Equity Advisory Committee and the LGBTQIA+ Sub-Committee do not have access to any Kingston residents’ private data, or to printing, mailing facilities, media and communication facilities. Like all community members, members of the Access and Equity Advisory Committee and the LGBTQIA+ Sub-Committee can access publicly available PCs and printing facilities at Kingston Libraries. This also applies to Kingston Represent.”

Note: In accordance with Sub-Rule 39.8 of the Governance Rules, questions from Yvette and Rosemary have been grouped together.

Yvette asked,

“How can there be trust toward the Council when the public question time rules have been continuously changed and are now reduced and where debate or criticism is not allowed to be heard, effectively gagging the people, and when certain questions once they get through the filtering process, are changed and modified, and then not answered fully or properly? Isn’t the Council supposed to work FOR the residents and ratepayers?”

Rosemary asked

“Can the extended question time we enjoyed previously please be restored so that the public contribution to Council affairs be acknowledged and trust between Council and the public be enhanced?”

The General Manager Customer and Corporate Support provided the following response:

“Council endeavours to answer all questions on the night of the Council meeting and under the Governance Rules there is no strict set time allocation, however from time to time the public question time segment of the meeting may be temporarily limited to ensure the business of Council within the agenda can be completed.”

Jagoda asked,

“Who at Kingston Council has the authority to suspend or threaten the suspension of a Councillor?”

The General Manager Customer and Corporate Support provided the following response:

“No person at Kingston Council has the authority to suspend or threaten the suspension of a Councillor. Any matters pertaining to Councillor misconduct processes are outlined in the Local Government Act 2020.”

Louise asked,

“How long are agendas, minutes and videos of Council meetings required to be made readily accessible to the public and viewable in that same place on your website? Why are some agendas, minutes and videos of Council meetings separated from the usual bank of Agendas and Minutes and put elsewhere on your website and given a shorter (more brief) viewing span by the public?”

The General Manager Customer and Corporate Support provided the following response:

“Minutes and agendas of Council meetings from January 2018 to the current date are available on Council’s website. Councils are required to permanently retain minutes and agendas of all Council meetings and where these cannot be obtained from Council’s website can be made available upon request. Recordings of Council meetings from the first recorded meeting in August 2013 to the current date are available on Council’s website and are not edited. Agendas of future meetings can be found on Council’s website under “Upcoming Council Meetings”. Agendas and minutes of Council past meetings from January 2018 to the current date are available under “Agendas and Minutes”. If you are referring to some other section of the website, please let me know.”

Anna asked,

“Is Kingston Council, vis a vis the Kingston Youth Service, the 1st point of call by schools and principals when they are faced with disaffected young people (children) who are referred to your Youth Services by word of mouth? Is there a system in place that 1st investigates and even supports repairing the family situation of these troubled young people before these young ones get into Kingston Youth Programs?”

The General Manager Community Strengthening provided the following response,

“We are aware that schools refer to a wide range of support organisations including Kingston Youth Services. We are unable to speak for schools and / or principals as to what their first point of call may be. A comprehensive assessment is always undertaken of a young person’s circumstances, including their family situation, as part of entering counselling or individual youth work support within Kingston Youth Services.”

Dean asked,

“What amount of waste enforcement costs in the current financial year 2023/24 has the Council included in its waste levies charged to residents (if any)?”

The Chief Finance Officer provided the following response,

“Waste enforcement costs are part of the broader Local Laws expenses managed by Council and are not itemised specific to waste enforcement; and they are not included in the Waste Charge levied to residents.”

Dean asked,

“What amount of revenue has council included in the current financial year 2023/24 from waste enforcement actions?”

The Chief Finance Officer provided the following response,

“Waste enforcement revenue forms part of Council’s Infringement Income. In 2023/24, we have had:

- *2 x infringements for offences under Clause 184 of the Local Law (\$554)*
- *9 x infringements for offences under the Environment Protection Act 2017 (total of \$15,089).”*

Mathew Lynn asked,

“Hello Kingston Council. My name is Mat Lynn and I’m asking my questions today on behalf of Melbourne Zero, an ambitious, city-wide movement to end rough sleeping by 2030. I have two questions: 1. What are Council’s official plans to increase affordable housing and end homelessness? And how is this coordinated with others, including nearby councils? 2. Does Council know how many people are sleeping rough across the LGA? How is Council collecting this vital health information?”

The General Manager Planning and Place provided the following response,

“In response to Question 1:

The Council has, following the adoption of its Social and Affordable Housing Strategy, worked proactively on a range of projects in recent years including:

- *Working with Summer Foundation to provide 10 Specialist Disability Dwellings in Clayton South*
- *Working with National Affordable Housing to provide 120 new social and affordable housing dwellings in Cheltenham*
- *Working with Vicroads and Launch Housing to relocate 6 portable dwellings to provide new housing in Clarinda*
- *Identifying vacant State Government land that could be used for Social or Affordable Housing and writing to the State Government on these opportunities.*
- *Identifying older State Government owned housing parcels that could be reused for more sustainable forms of social and affordable housing.*
- *Worked with developers and other community housing providers to identify opportunities for the conversion of existing permits to provide for social and affordable housing.*
- *Provided a tour to the City of Glen Eira Councillors and Executive to illustrate completed housing projects in Kingston.*

In response to Question 2:

- *Kingston refers to Census data for these figures. Current census data advises that in 2021, we had three reports of rough sleepers. The count for that data was taken during COVID lockdowns, and we are aware that many homeless people were housed in motels during that time*
- *As a comparison, the data our Community Connections Program team holds shows they are currently working with approximately 15 people who have no fixed address and are sleeping rough/in their cars*

- *The team also know that services such as Launch Housing/local church emergency outlets also hold their own data”*

Elena asked,

“Is it true that a Councillor who consistently refuses rate rises on a matter of principle, can be sanctioned because it may be argued, that their actions may significantly impact a Council’s ability to perform its functions?”

The Chief Executive Officer provided the following response,

“No.”

Colin asked,

“Why is Council needing to pay an outside private company such as ZeroKingston2030 in to achieve a “meaningful pathway” to enact climate action upon Kingston residents, which you say you cannot achieve within existing operational organisational and resource constraints of the Council process, even though you have 1071 full time staff? (Refer pg 853 Agenda 11 December 2023)”

The General Manager Planning and Place provided the following response,

“The Council resolution on 11 December 2023 from the item referred to in the question was:

That Council:

1. *Note the work being undertaken by officers to explore and identify:
 - a) *Council’s role and objectives in facilitating community led climate action to deliver the objectives of the Climate and Ecological Emergency Response Plan (CEERP);*
 - b) *The process to be undertaken by Council to elicit expressions of interest from registered groups to deliver community led climate action;*
 - c) *The extent of financial support Council may seek to provide to a registered group focussed on the delivery of community led climate action; and*
 - d) *The governance framework required to support and enable the establishment of a partnership or Memorandum of Understanding between Council and a registered group focussed on community led climate action;**
2. *Undertake further due diligence to ensure Local Government Act 2020 and Co-operatives National Law Application Act requirements are met; and*
3. *Note that a further report will be brought to Council outlining a preferred approach aimed at supporting community led climate action, governance considerations and an estimate of any financial commitment required.*
4. *That any funds provided to any organisation or entity be on the basis that it will not be used for election purposes, self-promotion or the promotion of private businesses owned or connected with the group’s board or management team.*

The Council has not resolved to make any payments to any outside organisations.”

Graeme Todd asked,

“Can you please disclose the name of the person who is the main leader of the organisation calling itself the Rainbow Local Government with whom Council and its officers consult and communicate with?”

The General Manager Community Strengthening provided the following response,

“Rainbow Local Government is a non-partisan campaign created by The Victorian Pride Lobby. The Victorian Pride Lobby can be contacted at info@vicpridelobby.org.”

Rosemary West asked,

“To avoid making it look as though Council no longer cares about protecting the environment or residential amenity of Kingston, would Councillors consider amending the proposed resolution at Item 7.2 to add new dot points to identify how you propose to report on mature tree removals and two-storey in the backyard development applications, for instance:

- Provide a quarterly report to Ordinary Council listing the number of exotic, native and indigenous 8m high trees removed and replaced (and/or planted) by Council officers (and/or planning approvals) and how this impacts our tree canopy;*
- Provide a report to Ordinary Council outlining concisely how the present and proposed rules in the new Housing Strategy to protect GRZ3 and NRZ residents from the impact of two-storey developments in their neighbours' backyards are to be implemented.”*

The General Manager Planning and Place provided the following response,

“In response to the first part of the question from Ms. West in Agenda item 7.2 on tonight's agenda Section 6. of that report outlines that reporting will occur following the Councils resolution on the 23rd October, 2023 in relation to the removal of trees. In response to the second part of the question the intention of Planning Scheme Amendment C203 is to continue with a 'policy neutral' approach to two-storey development in neighbours backyards on the basis the Amendment is approved by the Minister in the form submitted for the areas identified in the question. Given the nature of the assessment will not be changing if the Amendment proceeds as adopted by Council, a report to the Council 'outlining how the present and proposed rules' will be implemented is not considered necessary.”

Stephen Mahony asked,

“The ministerial statement of 2020 setting out Victorian governments priorities for local government sectors, one of which was to start a conversation on cultural change. What is the cultural change deemed as required by state, and how has it been implemented at Kingston?”

The General Manager Customer and Corporate Support provided the following response,

“Council is aware of the Ministerial statement of 2020 that references cultural change amongst other various topics. The Councillor Code of Conduct sets out agreed standards of Councillor behaviour and includes tailored 'Icare' values that was developed and endorsed by the Councillor group. The Code of Conduct also provides guidance on how interpersonal issues and alleged breaches of this Councillor Code of Conduct may be managed. Focus on culture is further supported by the Councillor and Staff Interactions Policy, the recent revision of Governance Rules and focused training and information sessions held.”

Stephen Mahony asked,

As Cr Hill touched on sustainability initiatives being undertaken at the last council meeting, what exactly and where have they been conducted and at what cost to the rate payers of Kingston?

The General Manager Planning and Place provided the following response,

“Officers will review the comments attributable to Cr. Hill at the last Council Meeting and provide Mr Mahony a response via email.”

7. Planning and Place Reports

7.1 Pocket Park Proposal - Moola Court, Cheltenham

Moved: Cr Hill

Seconded: Cr Davies

That Council:

1. Prepare and execute a Deed of Agreement with Pitard Group, to the satisfaction of Council's legal representatives, for the construction of the pocket park shown at Appendix 1 at no cost to the Council.
2. Subject to 1. above, commence the statutory procedures under Schedule 10 Clause 3 and section 223 of the Local Government Act 1989 and Council's Community Engagement Policy to discontinue the part of Moola Court Cheltenham 3192 as shown in the discontinuance plan at Appendix 2 and Title Plan at Appendix 3 of this report and to retain the land for municipal purposes and undertake parallel engagement on the design of the pocket park shown at Appendix 1.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

7.2 Tree Removals Over 8m in Height and the Construction of Double Storey Dwellings to the Rear of Sites

Moved: Cr Bearsley

Seconded: Cr Davies

That Council:

1. Note the matters raised in this report;
2. Amend the Planning Delegation Policy to remove the requirement that "All applications for 2-storeys in the backyard with at least one objection in the General Residential 3 Zone to be provided to Councillors in a list prior to the Planning CIS agenda; and
3. Cease the reporting of requests to remove trees over 8m in height.

Amendment

Moved: Cr Oxley

That the motion be adopted with the addition of the following:

4. Be provided with an update as part of the Councillor Weekly Update of all trees located on public land proposed to be removed; and
5. Receive as part of its quarterly report of the Council Plan the trees approved for removal and the rate of replacement planting proposed on public and private land.

The Amendment was accepted by the Mover and Seconder

The Motion was put and CARRIED

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FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

The resolution reads as follows:

Moved: Cr Bearsley

Seconded: Cr Davies

That Council:

1. Note the matters raised in this report;
2. Amend the Planning Delegation Policy to remove the requirement that “All applications for 2-storeys in the backyard with at least one objection in the General Residential 3 Zone to be provided to Councillors in a list prior to the Planning CIS agenda;
3. Cease the reporting of requests to remove trees over 8m in height;
4. Be provided with an update as part of the Councillor Weekly Update of all trees located on public land proposed to be removed; and
5. Receive as part of its quarterly report of the Council Plan the trees approved for removal and the rate of replacement planting proposed on public and private land.

CARRIED

8. Community Strengthening Reports

8.1 Municipal Public Health and Wellbeing Plan - Year 3 Action Plan Update and Draft Year 4 Action Plan

Moved: Cr Davies

Seconded: Cr Cochrane

That Council:

1. Note the mid-year achievements of the Year 3 implementation of the Municipal Public Health and Wellbeing Plan 2021-25, as presented at Appendix 1.
2. Endorse the release of the Municipal Public Health and Wellbeing Plan - draft Year 4 (2024-25) Health Plan Action Plan, as presented at Appendix 2, for public exhibition from 26 March to 16 April 2024.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley, Saab and Staikos (10)

AGAINST: Nil (0)

ABSTAINED: Cr Howe (1)

CARRIED

8.2 Reconciliation Action Plan Progress Report 3

Cr Howe left the meeting at 7:48pm.

Moved: Cr Hill

Seconded: Cr Davies

That Council note the achievements of the Reconciliation Action Plan 2022 – 2024, from the period of July to December 2023.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley, Saab and Staikos (10)

AGAINST: Nil (0)

8.3 Review of Arts and Cultural Advisory Committee (ACAC) Terms of Reference 2024

Moved: Cr Saab

Seconded: Cr Davies

That Council adopt the Arts and Cultural Advisory Committee Terms of Reference - 2024, (**Appendix 2**).

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Hua, Bearsley, Saab and Staikos (10)

AGAINST: Nil (0)

9. Infrastructure and Open Space Reports

9.1 Award of Contract - CON-23/077 - Bondi Road Outfall Drain, Bonbeach Sports Reserve - Stage 2

Cr Howe returned to the meeting at 7:50pm.

Cr Hill left the meeting at 7:50pm.

Moved: Cr Howe

Seconded: Cr Davies

That Council:

1. Note the outcome of the tender assessment process for Contract No. 23/077 Bondi Road Outfall Drain, Bonbeach Sports Reserve – Stage 2 as set out in confidential Appendix 1 attached to this report;
2. Award Contract No. 23/077 Bondi Road Outfall Drain, Bonbeach Sports Reserve – Stage 2 for the fixed lump sum price of \$3,959,641.00 (exclusive of GST) to Jaydo Construction Pty Ltd; and
3. Approve the allocation of a separate contingency of up to 10% of the contract sum and delegate authority to the CEO or delegate to expend this allowance to ensure the successful completion of the project.

Cr Hill returned to the meeting at 7:52pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

10. Customer and Corporate Support Reports

10.1 Motions for Municipal Association of Victoria State Council Meeting

Moved: Cr Saab

Seconded: Cr Staikos

That Council endorse the following motions to be submitted to the Municipal Association of Victoria for consideration at the May 2024 State Council Meeting:

1. Gender Equality Advisory Committee reinstatement

“That the MAV advocate to the Minister for Local Government and the Minister for Women to reinstate the Gender Equality Advisory Committee (GEAC) to ensure the local government sector remains a key partner in helping achieve the Victorian Government’s vision for gender equality in Victoria’s 79 Councils.”

Cr Eden left the meeting at 7:53pm.

Cr Eden returned to the meeting at 7:55pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

10.2 Motions for Australian Local Government Association National General Assembly

Moved: Cr Davies

Seconded: Cr Saab

That Council endorse the following motions to be submitted to the Australian Local Government Association for consideration at the July 2024 National General Assembly:

1. Improved aviation regulation and protection:

This National General Assembly calls on the Australian Government to

- *Commit to legislative changes of the Airports Act 1996 and Airports Regulation 1996, following the White Paper process, to improve and protect General Aviation giving specific consideration to:*
 - a. *Legislative mechanisms needed to ensure that Airport Strategic Planning actively prioritises the protection of Commonwealth Land for aviation related purposes.*
 - b. *Legislated obligations on the Airport Lessee Company to ensure aviation related businesses are prioritised to ensure commercial transactions on Commonwealth Land cannot undermine existing businesses or the needs of aviation for the life of the established Airport lease period.*
 - c. *The views held by State or Local Government with respect to the land use planning implications on Airport Land are given a much more elevated level of consideration in determinations on Draft Major Development Plans or Draft Airport Masterplans.*
 - d. *The establishment of independent expert review processes to aid the Commonwealth Minister in considering Draft Major Development Plans or*

Draft Airport Masterplans.

- *Undertake a thorough review of all functions under the Airports Act 1996 and Airports Regulations 1996 requiring the Airport Lessee Company to provide advice, assess or determine any matters relating to considerations regarding the safety of Airfields and/or Development which is proposed to occur on them.*

2. Aged Care Reform - Call for a 24+month transition plan to implement the new Aged Care Act

The National General Assembly calls on the Australian Government to:

- *Acknowledge the complexity involved for Councils, and other providers, in adapting services to meet requirements under the new Aged Care Act.*
- *Work with aged care providers to develop a 24+ month transition plan that provides a staged and structured implementation of the new Aged Care Act.*

3. Supporting Greater Dandenong's motion re Mayoral Taskforce Supporting People Seeking Asylum

The National General Assembly calls on the Australian Government to:

- *Acknowledge Greater Dandenong City Council as secretariat of the Local Government Mayoral Taskforce Supporting People Seeking Asylum on behalf of the following councils that are members:*
 - a. *Executive Members – Blacktown City Council, Brimbank City Council, City of Darebin, City of Hume, City of Kingston, City of Monash, Merri-bek City Council, Wyndham City Council, Yarra City Council*
 - b. *General Members – Ararat Rural City Council, City of Ballarat, Banyule City Council, Blue Mountains City Council, City of Canterbury Bankstown, City of Casey, City of Greater Bendigo, Hawkesbury City Council, Hobsons Bay City Council, Inner West Council, Maribyrnong City Council, Melbourne City Council, Moonee Valley City Council, Newcastle City Council, Nillumbik Shire Council, Orange City Council, Randwick Council, Surf Coast Shire, City of Port Phillip, City of West Torrens, City of Whittlesea; and*
 - c. *Supporter Councils – Albury City Council, Bass Coast Shire Council, Cardinia Shire Council, City of Greater Geelong, City of Hobart, Macedon Ranges Shire Council, Mornington Peninsula Shire, Queenscliffe Borough Council, Wellington Shire Council, City of Wagga Wagga, City of Whitehorse; and*
- *Ensure people seeking asylum have a valid bridging visa with associated work and study rights while they await decisions on their protection application, including automating the bridging renewal process.*
- *Expand the Status Resolution Support Services (SRSS) program eligibility and simplify the application process so that individuals and families seeking asylum who are in need and awaiting the outcome of their protection claims, or awaiting the outcome of the Administrative Appeal Tribunal AAT (or Administrative Review Tribunal once AAT abolished) can access healthcare, disability, housing support and other essential services; and*
- *Provide improved access to tertiary education options for people seeking asylum (and their children) awaiting the outcome of their protection claims, or awaiting the outcome of the Administrative Appeal Tribunal AAT (or Administrative Review Tribunal once AAT abolished).*

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Cr Staikos left the meeting at 8:00pm.

Cr Staikos returned to the meeting at 8:02pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Bearsley, Saab and Staikos (9)

AGAINST: Nil (0)

ABSTAINED: Crs Howe and Hua (2)

10.3 Quarterly Advocacy Update

Moved: Cr Eden

Seconded: Cr Davies

That Council receive the March 2024 Advocacy update report.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

10.4 Mordialloc and Aspendale Level Crossing Removal Project: Advocacy Plan

Moved: Cr Cochrane

Seconded: Cr Davies

That Council:

1. Note the advocacy activities undertaken to date
2. Endorse the revised Mordialloc/Aspendale LXP Advocacy Strategy proposal included in the confidential attachment.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

10.5 Kingston Performance Report 2023-24 - Quarter Two (October to December 2023)

Moved: Cr Staikos

Seconded: Cr Cochrane

That Council receive the Year Three Annual Action Plan 2023–24 and Council Plan 2021–25 Strategic Indicators for Quarter Two (October to December 2023).

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

10.6 Draft Council Plan 2021-25 Year Four Annual Action Plan 2024-25

Moved: Cr Staikos

Seconded: Cr Saab

That Council consider and endorse the draft Annual Action Plan 2024–25 (Appendix One).

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

10.7 Governance and Compliance Report

Moved: Cr Oxley

Seconded: Cr Hua

That Council:

1. In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolves that:
 - a) There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
 - b) The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
 - c) On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
 - d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time

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- adopt.
- e) Amend section 1.1 and the insertion of a new 1.2 of appendix 1 to include the following:
 - if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 entering into a contract exceeding the value of \$1,000,000 (excluding GST)
 - 1.2 making any expenditure that exceeds \$1,000,000 excluding GST, unless the payment is for statutory charges, insurance premiums or utility charges in an amount generally consistent with a Budget prepared or adopted by Council
- 2. That in the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, Kingston City Council resolves that:
 - a) The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument
 - b) The instrument comes into force immediately on resolution and remains in force until such time as the officers are no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless Council determines to vary or revoke it earlier
 - 3. Receive the Informal Meetings of Councillors Records as attached at Appendices 3-6;
 - 4. Receive and note the Chief Executive Officer and General Manager Quarterly Expenses in Appendix 7;
 - 5. Appoint Tanisha Simunic to the Access & Equity Advisory Committee; and
 - 6. Having considered feedback from community consultation, adopt the Governance Rules and Election Period Policy as amended in Appendices 9 and 10

Cr Cochrane left the meeting at 8.26pm.

Amendment

Moved: Cr Staikos

Seconded: Cr Bearsley

That the motion be adopted with the addition of the following:

- 1.3 Entering into a contract exceeding the value of \$1,500,000 for any matters relating to roads or drains

The Amendment was put and CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Howe, Bearsley, Saab and Staikos (8)

AGAINST: Cr Oxley (1)

ABSTAINED: Crs Eden and Hua (2)

The Amendment became the Motion

The Substantive Motion was put and CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

CARRIED

The resolution reads as follows:

Moved: Cr Oxley

Seconded: Cr Hua

That Council:

1. In the exercise of the power conferred by s 11(1)(b) of the Local Government Act 2020 (the Act), resolves that:
 - a) There be delegated to the person holding the position, or acting in or performing the duties, of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
 - b) The instrument comes into force immediately upon this resolution being made and is to be signed by the Council's Chief Executive Officer and the Mayor.
 - c) On the coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked.
 - d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
 - e) Amend section 1.1 and the insertion of a new 1.2 of appendix 1 to include the following:

if the issue, action, act or thing is an issue, action, act or thing which involves:

 - 1.1 entering into a contract exceeding the value of \$1,000,000 (excluding GST)
 - 1.2 making any expenditure that exceeds \$1,000,000 excluding GST, unless the payment is for statutory charges, insurance premiums or utility charges in an amount generally consistent with a Budget prepared or adopted by Council
 - 1.3 entering into a contract exceeding the value of \$1,500,000 for any matters relating to roads or drains
2. That in the exercise of the powers conferred by s147(4) of the *Planning and Environment Act 1987*, Kingston City Council resolves that:
 - a) The members of Council staff referred to in the instrument attached be appointed and authorised as set out in the instrument
 - b) The instrument comes into force immediately on resolution and remains in force until such time as the officers are no longer employed, contracted or otherwise engaged to undertake the duties on behalf of Kingston City Council, unless Council determines to vary or revoke it earlier
3. Receive the Informal Meetings of Councillors Records as attached at Appendices 3-6;
4. Receive and note the Chief Executive Officer and General Manager Quarterly Expenses in Appendix 7;

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| <ol style="list-style-type: none">5. Appoint Tanisha Simunic to the Access & Equity Advisory Committee; and6. Having considered feedback from community consultation, adopt the Governance Rules and Election Period Policy as amended in Appendices 9 and 10. |
|---|

11. Chief Finance Office Reports

**11.1 Draft 2024/25 Budget, Draft 2024-2034 Long Term Financial Plan, and
Draft 2024-2028 Revenue and Rating Plan**

Cr Davies left the meeting at 8:32pm.

Cr Davies returned to the meeting at 8:34pm.

Moved: Cr Staikos

Seconded: Cr Saab

That Council:

1. Adopt in principle the Draft Budget, Long Term Financial Plan, and Revenue & Rating Plan all annexed to this report, and prepared in accordance with sections 91, 93, 94, and 96 of the Local Government Act 2020, and the Local Government (Planning & Reporting) Regulations 2020.
2. Approve in principle the level of borrowings proposed in the draft budget and financial plan of \$55.95 million in accordance with section 104 of the Local Government Act 2020 and from 2024/25 with Council to approve the final form of the borrowings following a competitive procurement and assessment.

CARRIED

FOR: Crs Davey-Burns, Eden, Cochrane, Davies, Hill, Hua, Bearsley, Saab and Staikos (9)

AGAINST: Nil (0)

ABSTAINED: Crs Oxley and Howe (2)

Note: Cr Staikos requested through the Chair and was granted an additional two minutes to speak on the matter.

12. Notices of Motion

12.1 Notice of Motion No. 3/2024 - Cr Saab - Kingston Arts Precinct Masterplan

Moved: Cr Saab

Seconded: Cr Davies

That Council:

1. Receives a Kingston Arts Precinct Masterplan that encompasses the Kingston Arts Centre, Kingston City Hall and surrounding areas in Moorabbin by July 2025
2. That the Masterplan provide strategic direction for the creation of a contemporary, creative, accessible, and flexible arts and events destination that is unique to the region
3. That the Masterplan is cognisant of the future development aims for Moorabbin by the State Government with specific consideration to:
 - a) Moorabbin Structure Plan
 - b) Moorabbin West Urban Design Framework
 - c) Moorabbin Eastern Edge Design Analysis
 - d) Arts, Events and Libraries Community Consultation Report
 - e) Future connections to Moorabbin train station

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Cochrane, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)

AGAINST: Nil (0)

13. Urgent Business

There were no items of Urgent Business.

7. Confidential Items

Moved: Cr Oxley

Seconded: Cr Eden

That items 14.1 and 14.2 be considered in the part of the meeting open to the public and that Council determine, pursuant to Section 125 of the Local Government Act 2020, that the motions be made publicly available.

Cr Eden left the meeting at 9.13pm.

Cr Eden returned to the meeting at 9.14pm.

FOR: Crs Eden, Oxley, Cochrane, Davies, Howe and Hua (6)

AGAINST: Cr Saab (1)

ABSTAINED: Crs Davey-Burns, Hill, Bearsley and Staikos (4)

CARRIED

14.1 Property Matter

Moved: Cr Staikos

Seconded: Cr Saab

That Council:

1. Negotiate with Registered Housing Provider, Launch Housing Limited (Registration No. 45 – pursuant to the Housing Act 1983), as its preferred provider to develop the subject property for social housing in accordance with its proposal attached as Annexure “A”.
2. Subject to the outcome of negotiation with the Registered Housing Provider in 1. above to the satisfaction of Council’s Chief Executive Officer and Council’s legal advisor(s), receive a further report, outlining further details of the proposal and the process of public consultation, (under section 115 of the Local Government Act 2020) of Council’s intention to grant a ground lease to Launch Housing Limited for the subject property on the following principal terms and conditions:
 - a) A term of thirty years, with an option to extend, at an annual rental of \$1.00 per annum.
 - b) The permitted use for the development and use of the subject property for social housing on the development plans approved by the Council acting as the Responsible Authority under the Kingston Planning Scheme.
 - c) Any other terms and conditions advised by Council’s legal advisor(s).
 - d) That it is Kingston Council’s preference to house mature aged women (e.g. over 50 years of age) who are homeless or at risk of homelessness.
3. Receive a further report prior to the commencement of the Section 115 Community Engagement Process.

Procedural Motion

Moved: Cr Davies

Seconded: Cr Saab

That the meeting be closed to the public to continue debate on items 14.1 and 14.2.

Moved: Cr Saab

Seconded: Cr Staikos

That the Motion be Put.

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CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Hua, Saab and Staikos (7)
AGAINST: Crs Eden, Oxley and Howe (3)
ABSTAINED: Cr Bearsley (1)

The Procedural Motion was put and CARRIED

FOR: Crs Davey-Burns, Cochrane, Davies, Hill, Hua, Bearsley, Saab and Staikos (8)
AGAINST: Crs Eden, Oxley and Howe (3)

The meeting was closed to members of the public at 9.44pm.

Cr Howe left the meeting at 9.44pm and did not return.

Note: In the part of the meeting closed to the public it was resolved that the following resolutions and minutes including the names of Councillors voting on the resolution and the address of the properties be made public.

Amendment

Moved: Cr Davies

That the Motion be adopted with the inclusion of the following:

4. Determine, pursuant to Section 125 of the Local Government Act 2020, that the this resolution and the address of the property 6 Lochiel Avenue, Edithvale, be made publicly available.

The Amendment was accepted by the Mover and Seconder

Amendment

Moved: Cr Hill

That the Motion be adopted with the inclusion of the following in point 2d):

- 2d) That it is Kingston Council's preference to house mature aged women (e.g. over 50 years of age) **or single mothers with dependants** who are homeless or at risk of homelessness.

The Amendment was accepted by the Mover and Seconder

Cr Cochrane left the meeting at 10:05pm and did not return.

Procedural Motion

Moved: Cr Saab

Seconded: Cr Staikos

That the meeting be extended for 30 minutes until 10.35pm.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Howe, Hua, Bearsley, Saab and Staikos (11)
AGAINST: Nil (0)

Amendment

Moved: Cr Oxley

That the Motion be adopted with the inclusion of the following in point 4:

4. Determine, pursuant to Section 125 of the Local Government Act 2020 **that this resolution and minutes, including the names of Councillors voting on the resolution**, and the address of the property 6 Lochiel Avenue, Edithvale be made publicly available.

The Amendment was accepted by the Mover and Seconder

The Substantive Motion was put and CARRIED

FOR: Crs Davey-Burns, Davies, Hill, Bearsley, Saab and Staikos (6)

AGAINST: Crs Eden, Oxley and Hua (3)

The resolution reads as follows:

That Council:

1. Negotiate with Registered Housing Provider, Launch Housing Limited (Registration No. 45 – pursuant to the Housing Act 1983), as its preferred provider to develop the subject property for social housing in accordance with its proposal attached as Annexure “A”.
2. Subject to the outcome of negotiation with the Registered Housing Provider in 1. above to the satisfaction of Council’s Chief Executive Officer and Council’s legal advisor(s), receive a further report, outlining further details of the proposal and the process of public consultation, (under section 115 of the Local Government Act 2020) of Council’s intention to grant a ground lease to Launch Housing Limited for the subject property on the following principal terms and conditions:
 - a) A term of thirty years, with an option to extend, at an annual rental of \$1.00 per annum.
 - b) The permitted use for the development and use of the subject property for social housing on the development plans approved by the Council acting as the Responsible Authority under the Kingston Planning Scheme.
 - c) Any other terms and conditions advised by Council’s legal advisor(s).
 - d) That it is Kingston Council’s preference to house mature aged women (e.g. over 50 years of age) or single mothers with dependants who are homeless or at risk of homelessness.
3. Receive a further report prior to the commencement of the Section 115 Community Engagement Process.
4. Determine, pursuant to Section 125 of the Local Government Act 2020 that this resolution and minutes, including the names of Councillors voting on the resolution, and the address of the property 6 Lochiel Avenue, Edithvale be made publicly available.

CARRIED

14.2 Property Matter

Moved: Cr Staikos

Seconded: Cr Saab

That Council:

1. Negotiate with Registered Housing Provider, Launch Housing Limited (Registration No. 45 – pursuant to the Housing Act 1983), as its preferred provider to develop the subject property for social housing in accordance with its proposal attached as Annexure “A”.
2. Subject to the outcome of negotiation with the Registered Housing Provider in 1. above to the satisfaction of Council’s Chief Executive Officer and Council’s legal advisor(s), that Council receive a further report, outlining further details of the proposal and the process of public consultation, (under section 115 of the Local Government Act 2020) of Council’s intention to grant a ground lease to Launch Housing Limited for the subject property on the following principal terms and conditions:
 - a) A term of thirty years, with an option to extend, at an annual rental of \$1.00 per annum.
 - b) The permitted use for the development and use of the subject property for social housing on the development plans approved by the Council acting as the Responsible Authority under the Kingston Planning Scheme.
 - c) Any other terms and conditions advised by Council’s legal advisor(s).
 - d) That it is Kingston Council’s preference to house mature aged women (e.g. over 50 years of age) or single mothers with dependants who are homeless or at risk of homelessness.
3. Receive a further report prior to the commencement of the Section 115 Community Engagement Process.
4. Determine, pursuant to Section 125 of the Local Government Act 2020 that this resolution and minutes, including the names of Councillors voting on the resolution, and the address of the property 33 Balcombe Road, Mentone be made publicly available.

Procedural Motion

That the meeting be extended for 15 minutes until 10.50pm.

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua, Bearsley, Saab and Staikos (9)

AGAINST: Nil (0)

The Substantive Motion was put and CARRIED

FOR: Crs Davey-Burns, Davies, Hill, Bearsley, Saab and Staikos (6)

AGAINST: Crs Oxley and Hua (2)

ABSTAINED: Cr Eden (1)

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Moved: Cr Staikos

Seconded: Cr Davies

That the meeting be opened to members of the public.

CARRIED

FOR: Crs Davey-Burns, Eden, Oxley, Davies, Hill, Hua, Bearsley, Saab
and Staikos (9)

AGAINST: Nil (0)

The meeting was opened to members of the public at 10.47pm.

The meeting closed at 10.47pm.

Confirmed.....

The Mayor 22 April 2024